

Appin. No. 10/030,596

Attorney Docket No. 10541-751

**III. Amendments to the Drawings**

The Examiner has stated that Figures 1-3 should be designated by a legend as prior art because only that which is old is illustrated. The attached sheet of drawings includes changes to Figures 1-3, adding "Prior Art" to the legends thereof and replaces the prior sheet number 1.

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**IV. Remarks**

Reconsideration and reexamination of this application in view of the above amendments and the following remarks is herein respectfully requested.

After entering this amendment, Claims 1-8 and 12 remain pending, with claims 9-11 being withdrawn from consideration at this time.

**Allowable Subject Matter**

The Examiner's indication that Claims 3-8 would be allowable if rewritten in independent form is gratefully acknowledged. With regard to Claim 3, this claim is now presented in independent form, including all the limitations of the base claim and any intervening claims. Since dependent claims necessarily include all the limitations of their intervening claims, it is submitted that this amendment of Claim 3 is not a narrowing amendment and does not give rise to any estoppel issues with regard to its interpretation under the Doctrine of Equivalents or limitations on that doctrine. Claims 4-8 are all dependant on Claim 3 and are allowable for the same reasons as stated above.

**Claim Objections**

Claims 1 and 3 were objected to because of informalities. The amended Claims 1 and 3 renders the objections moot.

**Further Claim Clarifications**

Prior to discussing the references, it is believed that a brief discussion on the current form of the independent claims of this application is warranted. The original independent claim of this application has been amended to clarify, or particularly to

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point out and distinctly claim that which applicant regards as the subject matter of the present invention. Specifically, Claim 1 has been amended to recite that the optical pickup is configured to be moved to a park position when not in operation and that the actuator controller is configured to actively control the lens position via a magnetic field when the optical pickup is moved to the park position when not in operation.

Claims Rejection - 35 U.S.C. §102(b)

Claims 1, 2 and 12 were rejected under 35 U.S.C. §102(k) as being anticipated by U.S. Patent 5,100,534, to Enari et al. ("Enari"). Applicant respectfully traverses these rejections.

The Examiner states that Enari discloses an actuator controller characterized in that the actuator controller actively controls the lens position when the optical pickup is not being used with the optical medium. A careful reading of Enari will reveal that a controller activates a stepper motor to move an optical head to a home position when not in use. (Column 7, lines 62-67) However, Enari makes no mention to what happens to the lens of the optical head when the optical head is moved to the home position. The currently amended claims recite that once the optical pickup is moved to the park position, the actuator controller is configured to actively control the lens position via a magnetic field.

From this, it is submitted that Enari fails to disclose an actuator controller configured to actively control the lens position via a magnetic field when the optical pickup is moved to the park position.

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Claim Rejections 35 U.S.C. §103(a)

Claims 1 and 2 were rejected under 35 U.S.C. §103(a) as being anticipated by U.S. Patent 5,796,697 to Masaki et al. ("Masaki") In view of U.S. Patent 5,243,591 to Mogamiya et al. ("Mogamiya") Applicant respectfully traverses these rejections.

The Examiner states that Masaki discloses an optical media system and Mogamiya discloses an optical pickup characterized in that the position of the pickup is actively controlled when the pickup is not being used with the optical medium. Mogamiya provides no information regarding what happens to the lens once the optical pickup has been placed in the park position. Mogamiya states when the optical pickup is in the parked position, the optical pickup is kept out of contact with the disk surface. (Column 5, lines 30-35) There is no mention of actively controlling the lens, via magnetic field or otherwise when the optical pickup is moved to the park position. In that Masaki and Mogamiya fail to disclose or suggest the features which were previously noted as being absent, it must be concluded that the combination of Masaki in view of Mogamiya cannot render the claims of the present invention as obvious. The rejection under 35 U.S.C. §103(a) is therefore improper and should be withdrawn.

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Conclusion

In view of the above amendments and remarks, it is respectfully submitted that the present form of the claims are patentably distinguishable over the art of record and that this application is now in condition for allowance. Such action is respectfully requested.

Date

8/11/05

Respectfully submitted,

  
Eric J. Sosenko (Reg. No. 34,440)

Attachment: Replacement Sheet(s) of Drawings

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